



DNL:SRMcIntosh

U.S. Department of Justice
Civil Division, Appellate Staff
601 D Street, N.W. Room 9550
Washington, D.C. 20530-0001

Tel: (202) 514-4052
Fax: (202) 514-7964

December 22, 1998

BY HAND DELIVERY

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DEC 22 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals, Room TW-A235
445 Twelfth Street, S.W.
Washington, D.C., 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: In the Matter of Communications Assistance for Law Enforcement Act,
CC Docket No. 97-213

Dear Ms. Salas:

I am enclosing an original and four copies of a motion by the Department of Justice and the Federal Bureau of Investigation to extend the time for filing reply comments in this proceeding by 14 days, from January 13, 1999, to January 27, 1999.

I am also enclosing an additional copy of the motion to be date-stamped and returned with our messenger.

Copies of the motion and this letter are being served as indicated on the accompanying service list. Thank you very much for your prompt attention to this matter.

Very truly yours,

Scott R. McIntosh
Attorney, Appellate Staff

Enclosure

cc: Service list

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the Matter of:)

Communications Assistance for Law)
Enforcement Act)
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_____)

CC Docket No. 97-213

**MOTION FOR 14-DAY EXTENSION OF TIME
FOR REPLY COMMENTS**

Louis J. Freeh, Director
Federal Bureau of Investigation

Larry R. Parkinson
General Counsel
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Honorable Janet Reno
Attorney General of the United States

Donald Remy
Deputy Assistant Attorney General

Douglas N. Letter
Appellate Litigation Counsel
Civil Division
U.S. Department of Justice
601 D Street, N.W., Room 9106
Washington, D.C. 20530
(202) 514-3602

MOTION FOR 14-DAY EXTENSION OF TIME FOR REPLY COMMENTS

The Department of Justice and the Federal Bureau of Investigation (hereafter referred to jointly as "the government") hereby move, pursuant to Rule 1.46 (47 C.F.R. § 1.46), for a 14-day extension of time in which to file reply comments in this proceeding. The basis for this motion is as follows:

1. On November 2, 1998, the Commission released a Further Notice of Proposed Rulemaking (Notice) in this proceeding. The Notice relates to rulemaking petitions filed by the government and other parties under Section 107(b) of the Communications Assistance for Law Enforcement Act ("CALEA"). The rulemaking petitions ask the Commission to exercise its authority under Section 107(b) to modify J-STD-025 ("J-Standard"), an industry technical standard designed to provide a "safe harbor" for carriers seeking to satisfy the assistance capability requirements of Section 103 of CALEA.

2. The Notice identifies various respects in which the Commission has tentatively concluded that the J-Standard is deficient. The Notice identifies other respects in which the Commission has tentatively concluded that the J-Standard is not deficient. The Notice requests comments on these tentative conclusions. The Notice also requests comments on a large number of other matters relating to CALEA's assistance capability requirements and the Commission's performance of its responsibilities under Section 107(b).

3. The Notice directed interested persons to file comments by December 14, 1998. The Notice further directed that reply comments be filed by January 13, 1999.

4. On December 14, 1998, the Commission received comments from more than 400 commenters, including the Telecommunications Industry Association, the Cellular

Telecommunications Industry Association, the Personal Communications Industry Association, the United States Telephone Association, the Center for Democracy and Technology, the Electronic Privacy Information Center, a number of individual telecommunications carriers, and a great number of individuals. With a handful of exceptions, all of the commenters oppose the modifications to the J-Standard sought by the government.

5. The commenters (other than the government itself) have submitted approximately 500 pages of comments, not counting the comments from individual members of the public. The comments address a wide range of matters relating to the Notice, the J-Standard, the assistance capability requirements of Section 103 of CALEA, and other provisions of CALEA. The comments take issue with the government's position regarding the purposes of CALEA, the general scope of Section 103, the meaning of specific provisions in Section 103, the nature and scope of the Commission's rulemaking authority under Section 107(b), the adequacy of the J-Standard, and the legal and technical basis for the government's proposed modifications to the J-Standard. The comments raise issues of law, public policy, cost, and technical and engineering matters.

6. The government cannot respond to these voluminous filings by January 14 in a way that would offer adequate assistance to the Commission. The government's reply must address a large number of distinct issues and arguments presented by the various commenters. The preparation of the government's reply involves coordination among a number of components of the Department of Justice and the FBI, and requires collaboration between law enforcement, legal, and technical personnel. The tasks of analyzing the comments, discussing and drafting responses, and reviewing and revising the government's reply cannot be handled adequately within the limited time provided under the current schedule. The difficulty of completing the government's reply is compounded by

the fact that the year-end holidays fall within the reply period, and various persons who are directly responsible for the preparation of the government's reply will be temporarily absent in connection with those holidays.

7. A short extension of reply time would significantly assist the government in preparing its responses to the comments. It also would ensure that the government's responses are framed and organized in a manner that will best assist the Commission in its deliberations. At the same time, a short extension of reply time should not materially delay the Commission's ultimate disposition of the pending petitions. A short extension of time is particularly warranted because of the importance of the subject matter of this proceeding, which weighs in favor of ensuring that the parties have an adequate opportunity to present their views to the Commission.

8. For these reasons, the government respectfully asks the Commission to extend the deadline for the filing of reply comments by fourteen days, from January 13, 1999, to January 27, 1999. The extension should apply to all parties who intend to file replies to the December 14 comments in this proceeding.

DATE: December 22, 1998

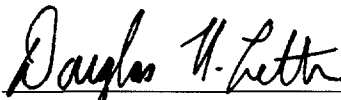
Respectfully submitted,

Louis J. Freeh, Director
Federal Bureau of Investigation

Honorable Janet Reno
Attorney General of the United States

Larry R. Parkinson
General Counsel
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Donald Remy
Deputy Assistant Attorney General



Douglas N. Letter
Appellate Litigation Counsel
Civil Division
U.S. Department of Justice
601 D Street, N.W., Room 9106
Washington, D.C. 20530
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CC Docket No. 97-213

CERTIFICATE OF SERVICE

I, Scott R. McIntosh, hereby certify that, on December 22, 1998, I caused to be served, by first-class mail, postage prepaid, copies of the above-referenced Motion For 14-Day Extension of Time for Reply Comments, the original of which is filed herewith, upon the persons identified on the attached service list.

DATED at Washington, D.C. this 22nd day of December, 1998.



Scott R. McIntosh

**IN THE MATTER OF:
THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT
CC DOCKET NO. 97-213**

SERVICE LIST

The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

The Honorable Harold Furchtgott-Roth
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

The Honorable Susan Ness
Commissioner
Federal Communication Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

The Honorable Michael Powell
Commissioner
Federal Communication Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

The Honorable Gloria Tristani
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Ari Fitzgerald
Legal Advisor to Chairman Kennard
Federal Communications Commission
1919 M. Street, N.W., Rm. 814
Washington, D.C. 20554

James Casserly
Legal Advisor to Commissioner Ness
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Paul E. Misener
Senior Legal Advisor to Commissioner Furchtgott-Roth
Federal Communication Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

Peter A. Tenhula
Legal Advisor to Commissioner Powell
Federal Communication Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

Karen Gulick
Legal Advisor to Commissioner Tristani
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Christopher J. Wright
General Counsel
Federal Communications Commission
445 12th Street, S.W., Room 8C755
Washington, D.C. 20554

Lawrence E. Strickling
Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street N.W., Room 500
Washington, D.C. 20554

Gerald Vaughan
Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Thomas Sugrue
Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

David Wye
Technical Advisor
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Anna Gomez, Chief
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street N.W., Room 235B
Washington, D.C. 20554

Kent Nilsson
Office of Engineering and Technology
Federal Communications Commission
2000 M Street N.W.
Washington, D.C. 20554

Charles Iseman
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W., Room 424
Washington, D.C. 20554

Jim Burtle
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W., Room 281
Washington, D.C. 20554

Julius Knapp
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W., Room 425
Washington, D.C. 20554

Rodney Small
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W., Room 480
Washington, D.C. 20554

Geraldine Matise
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W., Room 480
Washington, D.C. 20554

Charlene Lagerwerff
Wireless Telecommunications Bureau
Federal Communications Commission
2100 M Street, N.W., Room 8633
Washington, D.C. 20554

James Green
Wireless Telecommunications Bureau
Federal Communications Commission
2100 M Street, N.W., Room 7021
Washington, D.C. 20554

Tejal Mehta
Wireless Telecommunications Bureau
Federal Communications Commission
2100 M Street, N.W., Room 7115
Washington, D.C. 20554

David O. Ward
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street, N.W., Room 210
Washington, D.C. 20554

Matthew J. Flanigan
President
Telecommunications Industry Association
Suite 300
2500 Wilson Boulevard
Arlington, VA 22201-3834

Stewart A. Baker
Tom Barba
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795

Thomas Wheeler
President & CEO
Cellular Telecommunications Industry
Association
Suite 200
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036

Albert Gidari
Perkins Cole
1201 Third Avenue
40th Floor
Seattle, Washington 98101

Mark J. Golden
Senior Vice President, Industry Affairs
Robert Hoggarth
Senior Vice President, Paging/Messaging
Personal Communications Industry Association
Suite 700
500 Montgomery Street
Alexandria, VA 22314-1561

Roy Neel
President & CEO
United States Telephone Association
Suite 600
1401 H Street, N.W.
Washington, D.C. 20005-2164

Alliance for Telecommunication Industry Solutions
Suite 500
1200 G Street, N.W.
Washington, D.C. 20005

Jerry Berman
Executive Director
Center for Democracy and Technology
Suite 1100
1634 Eye Street, N.W.
Washington, D.C. 20006

Mark C. Rosenblum
Ava B. Kleinman
Seth S. Gross
Room 3252F3
295 North Maple Avenue
Basking Ridge, NJ 07920

William L. Roughton, Jr.
Associate General Counsel
PrimeCo Personal Communications, L.P.
Suite 320 South
601 13th Street, N.W.
Washington, D.C. 20005

Pamela J. Riley
David A. Gross
AirTouch Communications, Inc.
1818 N Street, N.W.
Washington, D.C. 20036

Joseph R. Assenzo
4900 Main Street, 12th Floor
Kansas City, MO 64112

James P. Lucier, Jr.
Director of Economic Research
Americans for Tax Reform
Suite 200
1320 18th Street, N.W.
Washington, D.C. 20036

Lisa S. Dean
Director, Center for Technology Policy
Free Congress Foundation
717 Second Street, N.E.
Washington, D.C. 20002

Anita Sheth
Director, Regulatory Policy Studies
Citizens for a Sound Economy
Suite 700
1250 H Street, N.W.
Washington, D.C. 20005

James X. Dempsey
Senior Staff Counsel
Daniel J. Weitzner
Deputy Director
Center for Democracy and Technology
Suite 1100
1634 Eye Street, N.W.
Washington, D.C. 20006

Eric W. DeSilva
Stephen J. Rosen
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Lawrence E. Sarjeant
Linda Kent
Keith Townsend
Suite 600
1401 H Street, N.W.
Washington, D.C. 20005

Michael Altschul
Vice President and General Counsel
Randall S. Coleman
Vice President, Regulatory Policy and Law
Cellular Telecommunications Industry Association
Suite 200
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036

John Pignataro
Senior Technical Advisor
Police Department, City of New York
Fort Totten Building 610
Bayside, NY 11359

Barbara J. Kern
Counsel
Ameritech Corporation
4H74
2000 Ameritech Center Drive
Hoffman Estates, IL 60196

James D. Ellis
Robert M. Lynch
Durward D. Dupre
Lucille M. Mates
Frank C. Magill
175 E. Houston, Room 4-H-40
San Antonio, TX 78205

Robert Vitanza
Suite 1300
156660 Dallas Parkway
Dallas, TX 75248

M. Robert Sutherland
Theodore R. Kingsley
BellSouth Corporation
Suite 1700
1155 Peachtree Street, N.E.
Atlanta, GA 30309-3610

Michael P. Goggin
BellSouth Cellular Corp.
Suite 910
1100 Peachtree Street, N.E.
Atlanta, GA 30309-4599

Michael W. White
BellSouth Wireless Data, L.P.
10 Woodbridge Center Drive, 4th Floor
Woodbridge, NJ 07095-1106

J. Lloyd Nault, II
BellSouth Telecommunications, Inc.
4300 BellSouth Center
675 West Peachtree Street, N.E.
Atlanta, GA 30375

Charles M. Nalborne
Suite 400
3353 Peachtree Road, N.E.
Atlanta, GA 30326

Kurt A. Wimmer, Gerard J. Waldron
Alane C. Weixel, Ellen P. Goodman, Erin Egan
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044-7566

William T. Lake
John H. Harwood II
Samir Jain
Todd Zubler
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20037-1420

Kathryn Marie Krause
Edward M. Chavez
1020 19th Street, N.W.
Washington, D.C. 20036

Martin L. Stern
Lisa A. Leventhal
Preston Gates Ellis & Rouvelas Meeds LLP
Suite 500
1735 New York Avenue, N.W.
Washington, D.C. 20006

Peter M. Connolly
Koteen & Naftalin, LLP.
1150 Connecticut Ave., N.W.
Washington, D.C. 20036

John M. Goodman
1300 I Street, N.W.
Washington, D.C. 20005

Cheryl A. Tritt
James A. Casey
MORRISON & FOERSTER, LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C. 20006

Mary McDermott
Senior Vice President/Chief of Staff for
Government Relations
Todd B. Lantor
Manager, Government Relations
PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION
500 Montgomery Street, Suite 700
Alexandria, VA 22314

Sylvia Lesse
Marci Greenstein
Kraskin, Lesse & Cosson, LLP
2120 L Street, NW
Suite 520
Washington, DC 20037

Robert M. Lynch
Roger K. Toppins
Hope E. Thurrott
One Bell Plaza, Room 3023
Dallas, Texas 75202

Carole C. Harris
Christine M. Gill
Anne L. Fruehauf
McDermott, Will & Emery
600 Thirteenth Street, N.W.
Washington, DC 20005

International Transcription Service, Inc.
1231 20th Street, N.W.
Washington, D.C. 20036